

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

LESLIE BALDWIN, for and on behalf
of her son, K.B., a minor,

Plaintiff,

vs.

KALISPELL SCHOOL DISTRICT #5,
a.k.a. KALISPELL PUBLIC
SCHOOL, GLACIER HIGH
SCHOOL, and DOES and ROES 1-10,

Defendants.

CV 23-127-M-DWM

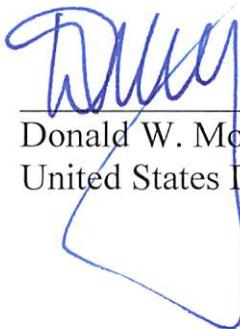
ORDER

On June 11, 2024, counsel for Plaintiff filed three subpoenas duces tecum as motions. (*See* Docs. 29, 30, 31.) Because discovery documents may not be filed, *see* D. Mont. L.R. 26.2(a), those “motions” were administratively terminated and a “Notice of Correction” issued by the Clerk of Court. However, on June 12, 2024, counsel once again filed the same three subpoenas, this time as attachments to individual “Motion(s) to Enforce Subpoena.” (*See* Docs. 32, 33, 34; *see also* Docs. 32-1, 33-1, 34-1.) It is unclear what relief counsel seeks. Pursuant to Rule 45(a)(3) of the Federal Rules of Civil Procedure, “an attorney . . . may issue and sign a subpoena if the attorney is authorized to practice in the issuing court.” Here, counsel is such an attorney and has signed the proposed subpoenas. He may

therefore issue them without the Court's involvement. As it relates to service, Rule 45(b)(1) provides that “[a]ny person who is at least 18 years old and not a party may serve a subpoena.” Therefore, service also does not require the Court’s involvement. To the extent counsel seeks relief not contemplated in this Order, he has not identified either the underlying issue or the relief sought.

Based on the foregoing, IT IS ORDERED that Plaintiff's motions (Docs. 32, 33, 34) are DENIED.

DATED this 1st day of June, 2024.


Donald W. Molloy, District Judge
United States District Court
11:33 A.M.